

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

JAN 02 2025

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY KRW  
DEPUTY CLERK

MARK ANTHONY ORTEGA

Plaintiff,

v.

JOHN DOE

Defendant.

Case No. SA-CV-00662-FB

**PLAINTIFF'S RESPONSE TO SHOW CAUSE ORDER**

COMES NOW, Plaintiff Mark Anthony Ortega, proceeding pro se, and files this Response to the Court's Show Cause Order dated December 5, 2024 (ECF No. 6). Plaintiff respectfully shows the Court as follows:

**BACKGROUND**

1. Plaintiff filed this action on June 10, 2024. On July 23, 2024, the Court granted Plaintiff's motion for leave to serve a third-party subpoena to identify the true identity of Defendant (Doc. 5).
2. Plaintiff understands the importance of serving the Defendant within the time limits set by the Federal Rules of Civil Procedure. Since the Court's Order of July 23, 2024, Plaintiff has made multiple attempts to issue subpoenas to identify and serve the Defendant.
3. Plaintiff sent two subpoenas, one for each intended defendant, to the Clerk of Court for signature on or around August 27, 2024 and again on or around September 20, 2024. The

subpoenas were sent in order to obtain information for the identification of the defendants. These subpoenas were not returned to Plaintiff.

4. Due to this delay, Plaintiff re-sent the necessary subpoenas to the Clerk of Court on December 22, 2024, for signature, with the intention of serving them promptly upon their return, on Onvoy and Peerless Network, potential third parties that may have information to help identify the defendants.

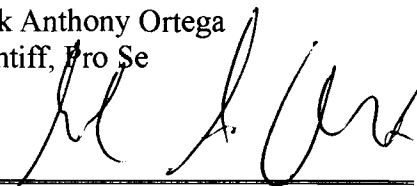
5. Plaintiff believes that the failure to identify and serve the Defendant within the 90-day period is due to the delay in processing and returning the subpoenas by the Clerk's office. This delay was not due to any lack of diligence on Plaintiff's part. The resubmission of the subpoenas on September 20, 2024 and again on December 22, 2024, demonstrates Plaintiff's continued effort to prosecute this case diligently.

6. Plaintiff respectfully requests an extension of time to serve the Defendant. Upon receipt of the signed subpoenas from the Clerk of Court, Plaintiff will promptly serve them on the intended third parties and take all necessary steps to identify and serve the Defendant in this action.

Dated: December 22, 2024

Respectfully submitted,

Mark Anthony Ortega  
Plaintiff, Pro Se

By: 

mortega@utexas.edu  
PO Box 702099  
San Antonio, TX 78270  
Telephone: (210) 744-9663

Mark Anthony Untch  
152 Bedington Dr  
San Antonio, TX 78231



U.S. District Clerk's Office  
262 West Nueva Street, Room 1-400  
San Antonio, TX 78207

6  
M  
B)

(U-1)

RECEIVED  
JAN 02 2025  
U.S. DISTRICT COURT  
SAN ANTONIO, TEXAS